

Minimum Standards for the Removal, Transportation and Disposal of
Waste and Offensive Substances and,
the Maintenance of Dumpsters and Portable Toilets

I. PURPOSE

Improper management of solid waste and sewage causes odors, and attract flies, rats, roaches, wandering domestic animals and wildlife, which results in a public nuisance and threat to public and environmental health. Where containers or methods which are not suitable or are inadequate, a source of food, water and harborage for pests and other problem animals exists. It is the intent of this regulation to reduce the number of complaints related to solid waste; reduce the number of complaints of rodent sightings; and, prevent the threat of disease from vermin such as insects, rats and other wildlife which propagate by improperly managed waste.

II. AUTHORITY:

Whereas Massachusetts General Law Chapter 111, Section 31A states “No person shall remove or transport garbage, offal or other offensive substances through the streets of any city or town without first obtaining a permit from the board of health of such city or town;” and,

Whereas Chapter 111, Section 31A further states “any person may, without such a permit, transport garbage, offal or other offensive substances through the streets of a city or town in which said substances were not collected; provided, that he registers with the board of health of such city or town; and, provided further, that he transports said substances in accordance with such reasonable rules and regulations as may be established by such board of health;” and,

Whereas the Board of Health shall, from time to time, make rules and regulations for the control of the removal, transportation or disposal of garbage, offal or other offensive substances as required by Massachusetts General Law Chapter 111, Section 31B;

The following Minimum Standards for the Removal, Transportation and Disposal of Waste and Offensive Substances and the Maintenance of Dumpsters and Portable Toilets are hereby adopted by the Danvers Board of Health.

III. SCOPE

A. These regulations shall apply to:

- a. All commercial and domestic garbage, rubbish and mixed garbage and rubbish and offensive substances;
- b. All receptacles for the storage of commercial and domestic garbage, rubbish and mixed garbage and rubbish and offensive substances;
- c. All motor vehicles used for hauling , commercial and domestic garbage, rubbish and mixed garbage and rubbish and offensive substances
- d. All portable toilets

B. These regulations shall not apply to:

- a. Any receptacle with a volume of less than 49-gallons
- b. Composting materials as defined by this regulation
- c. Hazardous waste as defined by MGL Ch 21E, 310 CMR 40, and 105 CMR 650;
- d. Infectious waste as defined by 105 CMR 480
- e. Recyclable materials as defined by this regulation

IV. DEFINITIONS

- a) **COMMERCIAL WASTE** shall mean the garbage and rubbish material resulting from the operation of business enterprises. Manufacturing and trade wastes are not included.
- b) **COMPOSTABLE MATERIALS** shall mean organic material, excluding waste water residuals, which have the potential to be composted and which is pre-sorted and is not contaminated by significant amounts of toxic substances as defined by the Department of Environmental Protection (310 CMR 19.00).
- c) **COMPOSTING** shall mean a process of accelerated bio-degradation and stabilization of organic material under controlled conditions yielding a product that can safely be used for fertilizing and conditioning the land.
- d) **CONSTRUCTION WASTE** shall mean any materials generated from, but not limited to, the processes of construction, demolition, and renovation, including domestic home improvements.
- e) **DOMESTIC WASTE** shall mean the garbage and rubbish resulting from the usual routine of housekeeping.
- f) **DUMPSTER** shall mean any container, receptacle, compactor unit, trailer, roll-off, or other similar unit with or without wheels that is used for the temporary storage, containment, or transport of refuse, garbage, demolition debris, or other discarded materials.
- g) **GARBAGE** shall mean the animal, vegetable or other organic waste resulting from the handling, preparing, cooking, consumption, or cultivation of food, and containers and cans which have contained food unless such containers and cans have been cleaned or prepared for recycling.
- h) **HAZARDOUS WASTE** shall mean any waste, solid or liquid, which poses a significant environmental or human health risk. This can include such items as pesticides, used motor oil and other products associated with automobiles, disinfectants, and miscellaneous art and hobby chemicals (Refer to 105 CMR 650.000 and DEP Guidelines).
- i) **INFECTIOUS WASTE** shall mean waste which because of its characteristics may cause or significantly contribute to an increase in mortality, morbidity or pose an environmental hazard when improperly treated, stored, transported, disposed of or otherwise managed. These include but are not limited to blood and blood products, pathological waste, sharps, contaminated animal carcasses, and biotechnological by-products (Refer to 105 CMR 480.000 for Department of Public Health standards).

- j) LEAF AND YARD WASTE shall mean leaves, grass clippings, soil, sand, manure, wood chips, shrub trimmings, plant cuttings and other similar materials.
- k) MANUFACTURING WASTE shall mean any waste resulting from manufacturing processes.
- l) OFFAL shall mean the waste of a food process, such as viscera and trimmings of animals; or the by-product of milled or processed vegetables.
- m) OFFENSIVE SUBSTANCE unless otherwise stated, shall mean septage: as material physically removed from any part of an on-site sewage disposal system, including, but not limited to, the solids, semi-solids, scum, sludge and liquid contents of a septic tank, privy, chemical toilet, cesspool, holding tank, or other sewage waste receptacle. It does not include any material which is hazardous waste as defined by 310 CMR 40.000.
- n) PERSON shall mean every individual, partnership, corporation, firm, association, or group, including the Commonwealth of Massachusetts or any political subdivision thereof or other governmental unit except where expressly prohibited; owning, renting or otherwise residing or carrying on activity in the Town of Danvers.
- o) PORTABLE TOILET shall mean a non-flush toilet facility wherein the waste is deposited directly into a container or receptacle without flushing; and, is readily or easily relocated.
- p) RECYCLABLE MATERIALS shall mean materials which may be reclaimed and returned to the economy in the form of raw materials or products, including paper, plastics, glass, and aluminum containers.
- q) RUBBISH shall mean combustible and non-combustible waste material, except garbage, and includes but is not limited to such material as paper, rags, cartons, boxes, wood, excelsior, rubber, leather, yard trimmings, grass clippings, metals, mineral matter, crockery, dust, and the residue from the burning of wood, coal, coke and other combustible materials. This does not include tree waste or recyclable materials.
- r) TRADE WASTE shall mean excess material used in the process of shipping and/or receiving goods.
- s) TREE WASTE shall mean tree stumps, trunks or limbs, three (3) inches or more in diameter or three (3) feet or more in length. Tree waste is not classified as municipal waste.
- t) WASTE shall mean the garbage and rubbish material resulting from the operation of business enterprises; the garbage and rubbish resulting from the usual routine of housekeeping; the animal, vegetable or other organic waste resulting from the handling, preparing, cooking, consumption, or cultivation of food, and containers and cans which have contained food unless such containers and cans have been cleaned or prepared for recycling; a solid or liquid, which poses a significant environmental or human health risk such as pesticides, used motor oil and other products associated with automobiles, disinfectants, and miscellaneous art and hobby chemicals; waste which because of its characteristics may cause or significantly contribute to an increase in mortality and morbidity or pose an environmental hazard when improperly treated, stored, transported, disposed of or otherwise managed including but not limited to blood and blood products,

pathological waste, sharps, contaminated animal carcasses, and biotechnological by-products; leaves, grass clippings, soil, sand, manure, wood chips, shrub trimmings, plant cuttings and other similar materials; waste resulting from manufacturing processes; waste of a food process, such as viscera and trimmings of animals; the by-product of milled or processed vegetables; septage, as material physically removed from any part of an on-site sewage disposal system, including, but not limited to, the solids, semi-solids, scum, sludge and liquid contents of a septic tank, privy, chemical toilet, cesspool, holding tank, or other sewage waste receptacle; excess material used in the process of shipping and/or receiving goods; tree stumps, trunks or limbs, three (3) inches or more in diameter or three (3) feet or more in length.

V. PERMIT REQUIRED

No person may install, maintain or empty a dumpster within the Town of Danvers until it has been granted a permit by the Board of Health by meeting all of the following conditions:

- a) An Application for a Permit to Transport Garbage, Offal or Offensive Substances on a form prescribed by the Board of Health shall be filed and approved by the Board of Health. Said application shall be signed under the Pains and Penalties of Perjury.
- b) The appropriate fee, as set by the Danvers Board of Health shall be paid along with the Application.
- c) A person seeking an initial Permit to Transport Garbage, Offal or Offensive Substances shall provide the Board of Health a list of all current dumpster service locations.
- d) The Permit to Transport Garbage, Offal or Offensive Substances shall expire each December 31st unless suspended or revoked for cause by the Board of Health. An Application for a Permit to Transport Garbage, Offal or Offensive Substances shall be filed thirty (30) days prior to the expiration of the current permit along with the appropriate fee on a form prescribed by the Board of Health. Said application shall be signed under the Pains and Penalties of Perjury.

VI. REGISTRATION REQUIRED

No person shall transport Garbage, Offal or Offensive Substances collected outside the limits of the Town of Danvers or through the streets or highways of the Town of Danvers without:

- a) Registering the vehicle with the Board of Health on a form prescribed by the Board of Health.
- b) Paying the appropriate registration fee to the Town of Danvers as set by the Board of Health.
- c) Describing the route taken through the Town of Danvers.

VII. REGISTRATION OF DUMPSTER AND PORTABLE TOILET LOCATIONS

- a) No person shall provide or maintain a dumpster or portable toilet within the Town of Danvers for greater than seven (7) calendar days without registering the dumpster or portable toilet with the Board of Health.
- b) A person shall register each dumpster or portable toilet location within the Town of Danvers within seven (7) calendar days of the provision of said dumpster.
- c) The Registration of a Dumpster or Portable Toilet shall be made on a form prescribed by the Board of Health.
- d) The appropriate fee as set by the Board of Health for the Registration of a Dumpster or Portable Toilet shall be paid at the time of Registration.
- e) The owner of a parcel of land on which a dumpster has been placed, shall post the Registration in a conspicuous area or as determined by the Board of Health.

VIII. MINIMUM STANDARDS OF MAINTENANCE FOR DUMPSTERS AND PORTABLE TOILETS

- a) All dumpsters and portable toilets shall display a clearly visible decal or stencil which provides the name and phone number of the Person which owns and/or maintains the dumpster or portable toilet.
- b) All dumpsters shall be provided with a lid or cover in good working condition and fit for its intended use as determined by the Board of Health.
- c) The lid of all dumpsters shall remain closed except when depositing or emptying the contents of the dumpster.
- d) All dumpsters and portable toilets shall be placed on a solid, level and cleanable surface or as determined by the Board of Health.
- e) All dumpsters shall be maintained with its drain plugs in place.

- f) All dumpsters and portable toilets shall be free from rust, corrosion and holes which allow the entry of pests or the escape of solid or liquid wastes.
- g) A dumpster or portable toilet shall not be placed in a manner which hinders access or use of a public way or sidewalk.
- h) Every dumpster or portable toilet shall be emptied of its contents at a frequency necessary to prevent a nuisance or unsanitary condition or as determined by the Board of Health.
- i) Every person shall maintain the dumpster or portable toilet area in a clean and sanitary condition or as determined by the Board of Health. The owner of a parcel of land on which a dumpster or portable toilet has been placed shall be responsible for maintenance of the parcel of land on which a dumpster has been placed.
- j) The owner or occupant of any parcel of land who uses a dumpster shall provide pest control services if deemed necessary by the Board of Health due to the presence of rodents or pests or the habitat of rodents and pests is identified.
- k) The owner or occupant of any parcel of land shall provide to the Board of Health access for the inspection of the above requirements and other applicable law.

IX. GROUND FOR DENIAL, SUSPENSION AND/OR REVOCATION OF A PERMIT

- a) The Board of Health may refuse to issue a permit, initial or renewal, based on one or more of the following grounds. Each shall constitute full and adequate grounds to refuse to issue a permit. The notice of refusal shall provide the grounds upon which the denial is based and shall notify the applicant of the right to a hearing. The following shall be grounds for denial of an Application to Transport Waste:
 - i. Failure to submit a permit application in accordance with Board of Health procedures.
 - ii. Failure to submit the required fee.
 - iii. Any attempt to impede the work of a duly authorized agent of the Board of Health.
 - iv. Providing false or misleading statements to the Board of Health.
 - v. The applicant operated without a permit.

- vi. The applicant or, if the applicant is a corporation, a corporate officer or the owner of the facility, has been convicted of, plead guilty or *no lo contendere* to, or has in a judicial proceeding, admitted facts sufficient to find that s/he is guilty of a crime in connection with the business.
 - vii. The applicant, or if the applicant is a corporation, a corporate officer or the owner of the company has engaged in conduct that has endangered the public health.
 - viii. Failure to pay any federal, state or local taxes as required by law pursuant to MGL c. 62C, § 49A.
 - ix. Failure to comply with this regulation or other local regulations, by-laws, ordinances or rules in relation to the business.
 - x. Such other reasons not stated above which pose a risk to the public health and safety.
- b) The Board of Health may issue a notice to suspend the Permit to Transport Waste or one or more particular operations conducted under the Permit. The following shall be grounds for Suspension of a Permit to Transport Waste:
- i. Failure to comply with the requirements of this regulation.
 - ii. Attempts to impede the work of a duly authorized agent of the Board of Health.
 - iii. Providing false or misleading statements or documents to the Board of Health or keeping any misleading or false records or documents intended to satisfy the requirements of this regulation.
 - iv. The applicant or, if the applicant is a corporation, a corporate officer or the owner of the facility, has been convicted of, plead guilty or *no lo contendere* to, or has in a judicial proceeding, admitted facts sufficient to find that s/he is guilty of a crime in connection with the business.
 - v. The applicant, or if the applicant is a corporation, a corporate officer or the owner of the company has engaged in conduct that has endangered the public health.
 - vi. Failure to pay any federal, state or local taxes as required by law pursuant to MGL c. 62C, § 49A.
 - vii. Failure to comply with this regulation or other local regulations, by-laws, ordinances or rules in relation to the business.

- viii. Such other reasons not stated above which pose a risk to the public health and safety.
- c) The Board of Health may issue an order to revoke a Permit or refuse to renew a Permit or terminate one or more particular operations for:
 - i. Serious or repeated violations of any of the requirements of this regulation
 - ii. Failure to comply with an Order of the Board of Health.

X. ENFORCEMENT

The Board of Health or an agent of the Board of Health authorized under Massachusetts General Law, c. 111, § 30 shall have the authority to enforce the provisions of this regulation.

XI. PENALTIES

- a) Whoever violates any provision of this regulation shall be fined in accordance with Chapter XXVII of the Town of Danvers By-Laws:

1 st offense -	Warning
2 nd offense -	\$25.00
3 rd offense -	\$50.00
4 th or subsequent offense -	\$100.00

Each day's violation or failure to comply with an order shall constitute a separate offense.

- b) The Board of Health may suspend or revoke the Permit to Transport Waste or Registration to Transport Waste or Registration of a Dumpster or Portable Toilet for any violation of this regulation after an opportunity for a hearing is provided.
- c) The Board of Health may order or place a lock or locking device on a dumpster or portable toilet in order to gain compliance with this regulation.

XII. VARIANCE

- a) The Board of Health may, after a hearing, vary the application of any provision of this regulation with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice; provided, that the decision of the Board of Health shall not conflict with the spirit of Massachusetts General Law c. 111, § 122.
- b) Any variance or other modification authorized by the Board of Health may be subject to such qualification, revocation, suspension or expiration as the Board of Health expresses

in its grant. A variance or other modification authorized to be made by this article may otherwise be revoked, modified or suspended in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard.

XIII. SEVERABILITY

If any section, paragraph, sentence, clause, phrase or word of this regulation shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of this regulation which shall remain in full force and effect; and to end the provisions of this regulation and all Board of Health regulations are declared severable.

REGULATORY AUTHORITY – MGL Chapter 111, Section 31; Chapter 111 Section 31A; Chapter 111, Section 31B

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